



MINUTE SUMMARY

**Wednesday, May 28, 2008, 7:00 PM
Edina City Hall Council Chambers
4801 West 50th Street
Edina, MN**

MEMBERS PRESENT:

Chair John Lonsbury, Julie Risser, Nancy Scherer, Kevin Staunton, Michael Schroeder, Mike Fischer, Steve Brown, Floyd Grabiell and Katie Sierks

MEMBERS ABSENT:

Arlene Forrest

STAFF PRESENT:

Cary Teague and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the April 30, 2008 Planning Commission meeting were filed as submitted.

II. NEW BUSINESS:

P-08-4

**Revised Final Development Plan
Revised Conditional Use Permit
Lot Division**

**DJR Architects/TE Miller
3101 and 3201 69th Street West, Edina**

Staff Presentation

Planner Teague presented his staff report to the Commission highlighting the revisions from the previously approved 2007 plan. Planner Teague pointed out the square footage of the retail space has been reduced to 18,000 square feet from the originally approved 40,000 square feet, and the revision has increased the number of apartments to 114 from 85.

Appearing for the Applicant

Mr. Dean Dovolis, DJR Architects and Rob Miller, property owner.

Applicant Presentation

Mr. Dovolis addressed the Commission and briefly explained the major changes to the plan are an increase in the number of residential apartment units and a decrease in retail space with two retail buildings proposed instead of one, as originally approved. Mr. Dovolis said “green” elements would be included in the project and the retail buildings will be kept close to street to encourage pedestrian participation and create an urban feel. Mr. Dovolis explained the retail components of the project will have access from York Avenue and West 69th Street and it is believed a restaurant will occupy the corner area of the west retail building to complement the restaurant elements of the Westin. With regard to the retail space two buildings will be constructed instead of one to avoid undesirable corner space. Mr. Dovolis stated the apartment complex continues to face Xerxes Avenue with residential access from Xerxes. Continuing, Mr. Dovolis noted the revised project should generate less traffic because of the reduction in retail square footage. Mr. Dovolis said at this time the apartment complex will be market rate, not luxury and open to the general public, which is a change from the previously proposed senior building. Concluding, Mr. Dovolis said exterior building materials for the retail project will be brick and glass and the exterior building materials for the residential building will be stucco, brick and metal siding.

Commission Comments

Commissioners expressed concern that this request is for final development plan, conditional use permit and lot division approval which requires only one review by the Commission, adding this is a revised plan and they are disappointed with the level of detail in the plans, especially in light of the fact that these plans are final. Commissioners did indicate they had no problem with the concept; reiterating that in their opinion final plans should contain more detail. Continuing, Commissioners stated the following points need to be addressed by the proponent by the time Council reviews this request. Issues of concern raised by the Commission that require clarification are as follows:

- additional information is needed regarding storm water management, sustainability, etc.
- review parking circulation, parking lot setbacks and traffic, acknowledging retail square footage has been reduced; however the proposed residential building will now be open to all, not only seniors – historically seniors drive less
- clarify how the retail buildings will function. More information is needed on how the retail buildings will address the street (especially the retail building

- on York) and interact with pedestrians. Where are the entrances, how many entrances, etc?
- a more detailed drawing is needed on the proposed street improvements, sidewalks throughout the perimeter and interior of the site, bicycle storage, transit, etc.
 - clarify the size and placement of the proposed “green roof”, what is the exact percentage?
 - a revised landscaping plan needs to be submitted that meets code, noting the plan presented does not meet code with regard to over-story trees
 - bring examples of exterior building materials for both retail and residential buildings to the City Council meeting

Chair Lonsbury opened the public testimony.

Public Testimony

Mr. Dennis Berg, representing Key Cadillac asked for clarification on the median and the York and 69th Street intersection. Mr. Dovolis explained to Mr. Berg the proposed changes to the median and intersection.

**Commissioner Schroeder moved to close the public testimony.
Commissioner Brown seconded the motion. All voted aye; motion carried.**

Commission Comments

Chair Lonsbury addressed the proponents and reiterated the Commission supports the concept of the project but is disappointed with the lack of detail present in the final plans. Chair Lonsbury asked the proponents if they would like to table their request and make the recommended changes or would they like the Commission to vote on the plans before them. Mr. Miller responded that due to time constraints he would like the Commission to vote on the plans presented this evening, adding the issues raised by the Commission would be addressed before this is heard by the City Council.

Commission Action

**Commissioner Brown moved to recommend lot division approval.
Commissioner Scherer seconded the motion. All voted aye; motion carried.**

Commissioner Fischer moved to recommend revised Final Development Plan approval with variances, and revised Conditional Use approval based on staff findings and subject to:

- **Site plan dated May 13, 2008**

- Grading plan dated April 28, 2008, Landscaping plan dated April 28, 2008
- Building elevations dated April 28, 2008
- Final Landscape Plan for staff approval
- Record the resolution with the county
- The property owner is responsible for replacing any required landscaping that dies.
- Submit a copy of the nine Mile Creek watershed district permit. The City may require revisions to the approved plans to meet the district's requirements.
- All storm water for this site must be treated on-site.
- Compliance with the conditions required by the City Engineer in his memo dated May 22, 2008.
- Compliance with the conditions required by the Transportation Commission.
- A developer's agreement is required for public water main installation along West 69th Street and Xerxes Avenue, and for the sanitary sewer along West 69th Street;

and subject to the following additional conditions:

- Clarify and bring samples of exterior building materials for both residential and retail buildings;
- Ensure that the green roof area above garage be at least 25%
- Establish clarity that at minimum 50% of the York Avenue façade be active; and
- Revised landscaping plan to meet Code as per over-story tree requirement.

Commissioner Brown seconded the motion. Ayes; Scherer, Staunton, Fischer, Brown. Nay Risser, Schroeder and Grabel. Abstain, Lonsbury. Motion carried.

**P-08-6 Preliminary Development Plan and
Preliminary Rezoning**

**Crosstown Medical LLC
4010 65th Street West, Edina**

Staff Presentation

Planner Teague presented his staff report noting the applicant is proposing to tear down the existing two-story, 26,000 square foot office building and construct a new 73,386 square foot, four-story medical office building with six-level

supporting parking ramp. Planner Teague said the proposal requires a preliminary development plan, preliminary rezoning and variances from the RMD standards. The requested rezoning is from POD-1, Planned Office District to RMD, Regional Medical District and the rezoning also includes the adjacent Fairview Hospital parking ramp which is currently zoned APD, Automobile Parking District.

Planner Teague concluded staff recommends denial of the Preliminary Development Plan, Rezoning from POD to RMD and the following variances at 4010 65th Street West for Crosstown Medical LLC:

1. Front building setback variance from 74 feet to 52 feet. (A 22-foot variance.)
2. Rear building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
3. Side building setback variance from 74 feet to 21 feet. (A 53-foot variance.)
4. Front parking structure setback variance from 80 feet to 18 feet. (A 62-foot variance.)
5. Rear parking structure setback variance from 80 feet to 20 feet. (A 60-foot variance.)
6. Side parking structure setback variance from 70 feet to 10 feet. (A 60-foot variance.)
7. Side yard drive-aisle setback variance from 10 feet to 3.3 feet. (A 6.7-foot variance.)

denial is also based on the following findings:

1. The applicant is requesting a rezoning to the Regional Medical District, to increase the allowed density on the site. However, the proposed plans would not come close to meeting the minimum zoning ordinance standards of the RMD District; seven variances are requested; and large variances are requested to all four lot lines.
2. There is no hardship to justify the large variances. The variances are self created. If the variances were denied, the applicant would not be denied reasonable use of their property. There is an existing office on the site which could continue to be used, or the offices could be torn down, and the site redeveloped with similar uses to meet city code. The site currently is slightly under utilized as the existing floor area ratio (FAR) is 30%. Within the existing Planned Office District, which this property is located, the maximum FAR is 50%.

Commissioner Brown addressed the Chair and Commission and explained he has a professional conflict with the proposed project and will abstain from the vote.

Appearing for the Applicant/Project

Mr. Alan Hill, BKO Development, Dr. David Holte, Twin Cities Orthopedics, Mark Hansen, Mohagen and Hansen Architectural Group and Larry Hegenes, property owner.

Applicant Presentation

Mr. Hill told the Commission he believes the proposed development concept is good, it re-invests in the community and the proposed use for the site is appropriate, adding the site will be redeveloped with high level design quality. Mr. Hill explained as they evaluated the project it became clear that a request to rezone the site to a regional medical district made the most sense, pointing out the proportions of the site is not ideal. Mr. Hill said he was encouraged by the traffic report adding the close proximity to mass transit and the incorporation of places to park bicycles will aid in reducing vehicle trips. Concluding, Mr. Hill said the proposed medical use of the new building would serve the needs of the community pointing out the change in demographics as Edina ages.

Mr. Hill introduced Dr. Holte of Twin Cities Orthopedics.

Dr. Holte addressed the Commission and explained Twin Cities Ortho has three offices within 6 blocks of Fairview Southdale Hospital (FSH). Dr. Holte said the proposed medical office building will office those physicians scattered in three area buildings and will also contain a surgery center. Dr. Holte explained 75% of the orthopedics cases at FSH are serviced by Twin Cities Ortho. Continuing, Dr. Holte said the proposed building will be a one owner building that will be tastefully designed and constructed. Concluding, Dr. Holte said it is very important to Twin Cities Ortho to have good access to FSH.

Mr. Hill introduced Mr. Mark Hansen.

Mr. Hansen gave a power point presentation highlighting features of the project. Mr. Hansen reported they are using a sustainable approach to storm water management and irrigation designs working toward satisfying LEED related standards. Mr. Hansen said exterior materials were chosen to combine materials, color, massing to weave together the medical office building and supporting parking structure. Building materials will include multiple colors of brick, stone or architectural case stone accent bands, architectural metal, glass and aluminum curtain wall systems. It is proposed that the supporting parking ramp will use complementary precast concrete components with openings and details that relate to the medical office building.

Commission Comments/Questions

Commissioner Staunton questioned the reasoning behind the square footage and square shape of the proposed building. Mr. Hill explained that a square building is needed to accommodate the surgery room. Continuing, Mr. Hill explained the square footage is needed to house the doctors that presently office out of three different locations in the immediate area.

Commissioner Risser questioned if the development team looked into parking somewhere else. Mr. Hill explained the close proximity to the FSH ramp made that an option; however, when FSH was approached they expressed concern with their potential for growth and how that would be impacted if parking spaces in their ramp were leased to Twin Cities Ortho. Mr. Hill added the owner of bank building to the west of the subject site was approached for purchase; however he declined.

Commissioner Schroeder said he does have some concern with how the water garden could work. Mr. Oliver responded that at this time they are in the preliminary stages of development and by the time of final approval more detail would be available.

Chair Lonsbury asked if the public would like to comment on the project.

Public Comment. No public comment.

**Commissioner Grabiell moved to close the public testimony.
Commissioner Scherer seconded the motion. All voted aye; motion carried.**

Commission Comments

Chair Lonsbury noted for the record that the Commission received four letters regarding this proposal. Two favorable; and two against.

A discussion ensued with the majority of the Commission expressing their support for the project as proposed. Commissioners acknowledged the proposed office building with supporting ramp is large, and multiple variances are required for redevelopment; however, the proposed rezoning makes sense as an extension of an already existing medical campus; albeit by a different property owner and the location of the site directly abutting Crosstown Highway minimizes impact. Continuing, Commissioners expressed some regret that this site wasn't identified earlier for redevelopment and growth, noting to under develop the site could also be a mistake. Continuing, Commissioners expressed positive feelings for the development as a whole noting the building is tastefully designed.

The discussion continued and focused on the rezoning of the site, questioning if this would be spot zoning, questioning the size of the building and supporting ramp, and the appropriateness of rezoning the existing FSH ramp. Commissioners also questioned if more parking could be added below grade reducing the scale of the supporting ramp. Commissioners were informed that due to the high water table in this area putting the parking below grade would be difficult. In conclusion Commissioners reiterated that rezoning this site is a continuation of the medical office corridor zoning and should be viewed positively. Commissioners also acknowledged the mass and scale of the project; however, the location abutting the highway minimizes the impact. Commissioners did indicate they would prefer that the existing FSH ramp is not rezoned.

Chair Lonsbury and Commissioner Staunton expressed their opinion that the project is beautifully designed; however, the density of the site more than doubles with this project, adding this request does “spot zone” this site. Chair Lonsbury said when Cornelia Place was developed he struggled with its mass, adding he still believes it is overbuilt, adding the mass, size and density of this project exceeds that of Cornelia Place. Commissioner Staunton agreed with comments from Chair Lonsbury adding the proposed change in zoning, along with the increase in density is something that needs to be carefully considered, adding with great reluctance he can’t support the proposal, it is too much, pointing out that in the past the Commission was mindful of increasing the density in the greater Southdale area.

After further discussion Commissioners were of the opinion that the existing FSH parking ramp should not be rezoned, and that one level of parking on the parking ramp should be removed and a proof of parking agreement implemented.

Commissioner Grabiell moved to recommend that the City Council approve the preliminary development plan and preliminary rezoning for the proposed Crosstown Medical building based on the following findings:

- 1. The rezoning would be an extension of the RMD district to the East.**
- 2. The rezoning would be consistent with the City’s guide plan.**
- 3. Increase in density could be supported by existing roadways, as determined in the traffic study done by Wenck and Associates.**
- 4. The rezoning would be consistent with the public health, safety, and welfare.**

Approval is also subject to the following Conditions:

1. Final Development Plan must be generally consistent with approved Preliminary Development Plan date stamped April 28 & May 21, 2008.
2. Final rezoning would not include the existing parking ramp for Fairview Hospital.
3. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the staff report.
4. Trail and sidewalk connections must be included as demonstrated on the preliminary plans. Public easements must be established over all public sidewalks.
5. All buildings must be built with sprinkler systems, subject to review and approval of the Fire Marshal.
6. Compliance with all of the conditions outlined in the City Engineer's memo.
7. Compliance with all the conditions required by the Transportation Commission.
8. The Landscape Plan should be improved to add trees around the perimeter of the site, especially along the west and north lot line; and
9. The top level of the parking ramp must be eliminated; and the applicant must enter into a proof of parking agreement. If parking becomes a problem, as determined by staff, the top level of the parking ramp must be constructed.

Approval also includes recommending that the Zoning Board of Appeals and the City Council approve the following variances:

1. Front building setback variance from 74 feet to 52 feet. (A 22-foot variance.)
2. Rear building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
3. Side building setback variance from 74 feet to 21 feet. (A 53-foot variance.)
4. Front parking structure setback variance from 80 feet to 18 feet. (A 62-foot variance.)
5. Rear parking structure setback variance from 80 feet to 20 feet. (A 60-foot variance.)
6. Side parking structure setback variance from 70 feet to 10 feet. (A 60-foot variance.)
7. Side yard drive-aisle setback variance from 10 feet to 3.3 feet. (A 6.7-foot variance.)

Variance approval is based on the following findings:

1. There is a unique hardship to the property caused by the shape and limited depth of the lot, especially the Western half of the site.
2. The variance would meet the intent of the ordinance because the building is reasonably sized given the allowed FAR in the RMD district is 1.0. The proposed FAR is .83.
3. The height of the ramp and building are generally consistent with buildings and ramps in the area.
4. The site's location adjacent to Crosstown Highway 62.
5. The high water table prevents the parking from being constructed under ground.

Commissioner Scherer seconded the motion. Ayes; Risser, Scherer, Schroeder, Fischer, Grabel. Nays; Lonsbury, Staunton. Abstain; Brown. Motion carried.

III. OTHER BUSINESS:

Discussion on Tree Ordinance

Chair Lonsbury reminded the Commission at the last Commission Meeting discussion was tabled on developing a tree ordinance so Commissioner Schroeder could be present. Chair Lonsbury asked Commissioner Schroeder for his opinion on developing a tree ordinance.

Commissioner Schroeder said he reviewed the tree ordinance examples submitted to the Commission from staff; however; in his opinion the City can't move forward on implementing a tree ordinance until the City takes a tree inventory, pointing out there is no base line to start from.

Planner Teague said he would be willing to set up a meeting with the City Forrester and Park Director John Keprios to discuss the issue. Chair Lonsbury noted there also will need to be some discussion on public versus private. Planner Teague and Commissioners agreed.

IV. INTERGOVERNMENTAL BUSINESS:

Chair Lonsbury acknowledged receipt of back of the packet materials.

V. ADJOURNMENT AND ADDITIONAL PUBLIC COMMENT:

Ms. Jennifer Janovy, 4016 Inglewood Avenue, addressed the Commission and explained she was present this evening to address the construction occurring at Calvin Christian School and how what was built has changed from what was

approved. With a visual aid Ms. Janovy asked the Commission to note the 4 foot change in first floor building height.

Ms. Janovy acknowledged the construction project for Calvin Christian is almost entirely completed; reiterating the plan that was approved is not what is being constructed. Continuing, Ms. Janovy told the Commission she doesn't want to see this happen again on other projects, which is the reason she is speaking to them this evening.

Planner Teague stated in the future he would bring building plan changes forward to the City Council.

JoEllen Dever, 7405 Oaklawn Ave, complimented Ms. Janovy and complimented the City on the work thus far on the Promenade.

The meeting was adjourned at 10:45 pm

Submitted by